

# **Nevada Board of Parole Commissioners**

## **Procedures for Preparing the Guideline Recommendation Form**

**Effective November 1, 2001**

# Instructions for Completing the Guideline Recommendation Form (GRM/Green Sheet)

## When should a GRM form be filled out?

***Regular parole hearings:***                      **Yes**

Any regular parole hearing when the inmate is being considered for release on regular parole. Every initial parole hearing even if the inmate is scheduled for a mandatory parole hearing (MPR).

Inmates who have been released on parole and revoked, and are being considered again on the same sentence must also have a GRM score compiled

***Mandatory parole hearings:***                      **Sometimes**

Inmates who are within one year of expiring their sentence to the street must be considered under MPR. This will prompt the hearing to be scheduled as an MPR even if they are also eligible for an initial hearing under regular parole. In these cases the board should also consider the inmate for parole under regular parole and prepare a GRM sheet. If the recommendation under regular parole would be to deny parole, the board should then consider the inmate as provided for under MPR.

When the board considers an inmate under the provisions of mandatory parole, the board is only considering whether they believe the inmate will be a danger to public safety if they are released on parole. If the inmate has previously been considered for regular parole on the instant offense (I/O), there is no need to complete a GRM form.

***Parole violation hearings:***                      **Sometimes**

There may be instances when it may be appropriate to perform dual actions at a parole violation hearing. If the board decides to revoke the parole, and simultaneously grants a regular parole for release at a later date, the action to conduct the regular parole grant requires consideration using the GRM. A GRM form is only required if the dual action to revoke and grant is performed at the same hearing. The board has within its broad discretionary powers the authority to reinstate a parole at a date in the future.

## **Recommended Months to Serve:**

The recommended months to serve is a range of months obtained after intersecting the row (based on the crime severity level) with the column (based on the factor score) of the parole standards reference grid.

The *factor's score* is determined after adding and subtracting points weighted by factors based on; prior criminal history, elements of the crime including victim impact, periods of community supervision and other conduct, the sentence imposed by the court and any negative and positive institutional conduct of the inmate.

The *crime severity level* is based on the conviction as specified in Nevada Revised Statutes. Crimes which fall into the "A" and "B" levels have been further expanded by the board to narrow the broad ranges of sentences allowed in those severity levels.

## **Crime Severity Level:**

### ***"A" Crimes:***

The expanded crime severity level for "A" crimes is based on the minimum sentence imposed by the court when the offender was sentenced.

If the minimum sentence imposed = 20 years, the crime severity level is A1

If the minimum sentence imposed = 15 years, the crime severity level is A2

If the minimum sentence imposed = 10 years, the crime severity level is A3

If the minimum sentence imposed = 5 years, the crime severity level is A4

### ***"B" Crimes:***

The expanded crime severity level for "B" crimes is based on the maximum allowable sentence the court may have imposed when the offender was sentenced.

If the maximum possible sentence imposed = 20 years, the crime severity level is B1

If the maximum possible sentence imposed = 15 years, the crime severity level is B2

If the maximum possible sentence imposed = 10 years, the crime severity level is B3

If the maximum possible sentence imposed = 6 years, the crime severity level is B4

**Factors Score:**

***Convictions/Enhancements:***

Count each conviction and enhancement, including all consecutive sentences. Concurrent sentences are counted as separate convictions. Enhancements equal the crime severity of the conviction it was applied to.

Example: An inmate receives three robbery convictions with the use of a deadly weapon enhancement. The judge orders the sentence to be served as follows:

Five years for the robbery with all three cases to run concurrent with a consecutive Five years for the use of a deadly weapon on each count all cases running concurrent.

This example sentence structure would equal six violent felony convictions.

***Nonviolent Misdemeanors:***

Count a misdemeanor as nonviolent if there is no indication of violence in the conviction. If no details of the crime are provided, and by the nature of the name of the conviction it appears to be nonviolent, count it as nonviolent. Examples of nonviolent misdemeanors may include: petty larceny, loitering, DUI, obstructing, resisting arrest, etc. Count nonviolent gross misdemeanors as nonviolent misdemeanors.

***Violent Misdemeanors:***

Count a misdemeanor as violent if the name of the conviction indicates violence or details of the crime indicate violence or the threat of violence (i.e., known force, fear/threat, injury, sex) during the commission of the crime. Examples of violent misdemeanors may include: domestic violence, gross misdemeanor lewdness, DUI with accident, etc. Count violent gross misdemeanors as violent misdemeanors.

***Nonviolent Felony:***

Count a felony as nonviolent if there is no indication of violence by nature of the name of the conviction, and no details of the circumstances of the crime are present to indicate violence occurred during the commission of the crime. Examples of nonviolent felonies may include burglary, larceny, embezzlement, DUI, cheating at gambling, drug offenses, etc.

***Violent Felony:***

Count a felony as violent if there is any indication of violence (i.e., known force, fear/threat, injury, sex) by nature of the name or in the details of the conviction. Examples of violent felonies may include: robbery, deadly weapon enhancement, kidnaping, DUI with accident, all sex crimes, coercion, involuntary manslaughter, etc. Crimes that appear nonviolent by the nature of the name (i.e., burglary) will be counted as violent if details of the crime indicate that violence or the threat of violence occurred during the commission of the crime. An example could be a burglary conviction with details indicating a person was assaulted, or a home invasion pled down to burglary.

***Incarcerations:***

- Count all incarcerations including the instant offense and previous consecutive sentence incarcerations.
- Concurrent prison sentences count as one incarceration.
- Do not count future incarcerations on consecutive sentences.
- Do not count each parole revocation as a separate period of incarceration.

Jail: Count sentences of one year or less: jail, county detention, boot camps, etc.  
Prison: Any incarceration in prison.

***Supervision failure (felony and gross misdemeanor only):***

Count Each:

- Parole revocation and/or dishonorable discharge;
- Probation revocation and/or dishonorable discharge,
- Drug court failure, 184 failure, or deferred sentence failure;
- Return to prison while on any house arrest program (305/317);
- Any instance of an offender, while on parole from another jurisdiction (federal, CA, ID, NY, etc.) receiving a felony conviction in Nevada, regardless of whether the other jurisdiction took any action as a result of the new conviction.

Do not count concurrent sentences as individual failures.

Example: One or more concurrent sentences:  
Receives probation, revoked to prison (one instance)  
Granted parole, revoked to prison (one instance)  
Re-paroled, dishonorable discharge (one instance)  
Total 3 instances (X3 points) = 9 points.

***Supervision Success (felony and gross misdemeanor only):***

Count each:

- Honorable parole discharge (including institutional paroles);
- Honorable probation discharge;
- General discharge from parole or probation;
- Successful completion or currently on any house arrest program (305/317).

Do not count concurrent sentences or any active concurrent probations or paroles as individual successes.

***Drugs or Alcohol a Factor During Instant Offense:***

This applies only to the instant offense, and only if the instance offense is not a drug or alcohol conviction. Consider if drugs or alcohol were a factor during the instant offense and if so, apply the points.

***Weapons:***

Instant offense only, even if dropped in a plea bargain.

Possession:	On the person, in the car, a knife, a gun, a club, a stick, etc.
Threat/Display:	In hand, displayed under a newspaper, shown under a coat, bomb threat, hostage in another location, saying they have a weapon (i.e., pointing a finger in jacket pocket).
Use:	Fired a gun, cut with a knife, hit with any object, etc.

***Victim impact:***

Instant offense, highest level only. Refer to victim info in the PSI or other victim input.

Property:	Money, car, jewelry, etc.
Physical/Mental:	Weapon pointed at victims, elderly victim (over 65), loss caused great hardship, trauma (mental) as a result of the crime.
Sex Crime/Disabled:	All sex crimes, serious injury as in DUI w/SBH, extensive medical bills, wounded in robbery, etc.
Death:	Death as a result of the crime (including complications resulting in death following the conviction).

***No Employment/School:***

If no full time job, school, SIIS, SSI, retirement, or other means of support for six months of the year preceding the crime give three points. If it can't be determined, or it is close, don't give the points.

***Drug or Alcohol Convictions:***

Count all convictions including instant offense. Count all sentences running concurrent as one, count consecutive sentences individually. Indicate all to be considered to determine the number of points to assess.

***Sub Total:***

Indicate sub-total of accumulated points.

***Court Action:***

**Percent of Court Action:**

All factors to this point should be relatively the same factors the court considered at the time of sentencing. There may be some deviations based on new information or supervision failures. The court action is the weight given to these factors based on the sentence the court could have imposed. **“A” crimes are always weighted as 100%.**

The percent of court action is obtained by dividing the actual sentence imposed by the maximum possible sentence that may have been imposed based on the conviction. For example, if the maximum sentence for a particular crime is 10 years, and a judge imposes a maximum sentence of 7 years, the court action is 70% (7 divided by 10). If the maximum sentence is 6 years and a judge imposes a 2.5 year maximum sentence, the court action is (2.5 divided by 6 =) 41.666% rounded up to 42%. If the court imposed the maximum sentence, enter 100%

Rounding: Round up or down to the nearest whole number, i.e.:

33.333333% = 33%

16.412431% = 16%

33.500000% = 34%

33.499999% = 33%

**Factor the court action to the subtotal (round up at .50 and up, round down at .49):**

Multiply the subtotal and the court action to determine the adjusted subtotal, i.e.:

Subtotal = 25 points    Court action = 57%     $25 \times .57 = 14.25$ , round down to 14.

Subtotal = 25 points    Court action = 57%     $25 \times .57 = 14.25$  round up to 15.

Subtotal = 23 points    Court action = 100%    total = 23 points.

Subtotal = 23 points    Court action = 78%     $23 \times .78 = 18.14$  round up to 19.

**Disciplinary history and Prison Programming:**

When factoring disciplinary history and prison programming, count only those disciplinary's or programming that occurred on the sentence being considered for parole. Disciplinary credits are also only based on the current sentence. An example is an inmate "rolling over" from a previous sentence (either discharge or parole). The inmate gets to "start new" with regard to disciplinary assessment and must also continue to program positively to earn more programming points.

***Disciplinary Actions (current sentence only):***

Indicate all disciplinary's received up to the last three years from the date of parole eligibility. Although there may be more than 10, indicate all, but only add ten points (the program will cap it automatically).

Major:	Count as one on any given day, even if stacked.
Minor/General:	Count as one on any given day, even if stacked. If a major was given on that day, don't count the minor or the disciplinary (always count the one that is the most severe).

***Credits:***

**Disciplinary Credits (current sentence only):**

- 1 pt No disciplinary's at first hearing (if in prison less than one year) or during the last year from date of parole eligibility.
- 2 pt No disciplinary's in the previous two years from date of parole eligibility.
- 3 pt No disciplinary's in the previous three years from date of parole eligibility.

**Programming (current sentence only):**

Programming credits are based on positive prison programming while on the instant offense. Don't count programming performed during other periods of incarceration (i.e., programmed on one sentence then paroled to consecutive sentence).

- 3 pts Completion of each GED, high school diploma, 12+ college credits
- 2 pts Each long term program participation, i.e., substance abuse, behavior modification, literacy program. These programs should be at least 40 hours long, full time school or full time job. Include current participation.
- 1 pt Each short term program participation i.e., street readiness, job workshop, parenting, weekly AA/NA, part time school or part time job. Include current participation.